

Wednesday, September 2, 2009

Duxbury Clipper

# Counsel: No union for police chief

**M**assachusetts law, as well as his own contract, would prevent Duxbury Police Chief Mark DeLuca from joining a labor union, Town Counsel Robert Troy said this week.

Troy submitted a five-page memo, dated Aug. 31, to the Board of Selectmen in response to whether or not a police chief is legally restricted from joining a union, according to the memo.

Massachusetts General Law Chapter 150E defines public employees who are able to unionize, and specifically excludes heads of departments.

Troy's memo said for this reason a chief would not be able to join a labor union, and in addition, the fact that DeLuca is governed by a contract precludes him from reaching any other type of bargaining agreement.

"The Police Chief elected to secure contractual protection for his position and that contract is dispositive of most, if not all, of the questions relating to ... his employment as Duxbury Police Chief," wrote Troy in the memo.

Troy went on to say that the Town Manager Act also lends weight to the argument that the police chief cannot join a union, because it would undercut the ability laid out in the act of the town manager to appoint or dismiss the position of police chief.

Troy met with the Board of Selectmen Monday night in executive session to discuss pending litigation.



## Memo

To: Board of Selectmen  
From: Robert W. Troy, Town Counsel  
Date: August 31, 2009  
Re: Police Chief - Chapter 150E

This memo is prepared to assist the Board of Selectmen in its decision regarding the question of whether or not a Police Chief is legally restricted from joining a labor union. This memo is based on the provisions of Chapter 150E of the Massachusetts General Laws, as amended, and the provisions of the Town Manager Act, Chapter 44A, as amended. The memo also discusses the provisions of the Police Chief's contract, which is a part of the Police Chief's position and is a part of the Police Chief's position.

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To read the full text of the memo, go to [duxburyclipper.com](http://duxburyclipper.com) and click on the document vault.

— J. Graeber